

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>M.C., by and through his Parents K.C. and C.C., and K.C. and C.C., individually,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Wallingford-Swarthmore School District, Defendant.</p>	<p>10-cv-2804</p> <p>Shapiro, J.</p>
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**JOINT STIPULATION OF FACTS
RELATED TO MOTION FOR PRELIMINARY INJUNCTION
PURSUANT TO 20 U.S.C. § 1415(j)**

1. M.C. ("M.") resides with his Parents, K.C. and C.C., within the boundaries of the Wallingford-Swarthmore School District ("District").
2. The District is a local educational agency ("LEA") within the meaning of 20 U.S.C. § 1401(15), 34 CFR § 300.28, 22 Pa. Code 14.102(a)(2)(vii), a federal funds recipient within the meaning of IDEA, 20 U.S.C. § 1401 and Section 504, 29 U.S.C. § 794(b)(2)(B).
3. As a "child with a disability" within the meaning of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1402(3)(A), 34 C.F.R. § 300.8, and a "qualified individual with a disability" within the meaning of § 504 of the Rehabilitation Act ("Section 504" or "Rehabilitation Act"), 29 U.S.C. § 705(20), M. is entitled to a free and appropriate public education ("FAPE") from the District.
4. On May 19, 2010, Plaintiffs requested a special education due process hearing pursuant to 34 C.F.R. §§ 300.507(1) and 300.508 and 22 Pa. Code 14.162, seeking relief pursuant to IDEA and Section 504. Plaintiffs sought a determination that the extended school year ("ESY") program offered by the District for the Summer of 2010 was not an offer of FAPE and that the program offered at the Orchard Friends School (M.'s 2009-2010 school year placement) was appropriate.
5. In a decision dated June 5, 2010, the Special Education Hearing Officer rejected Plaintiffs' requests for relief. Redacted Opinion of Pennsylvania Hearing Officer dated June 5, 2010 (attached hereto as Exhibit 1).

6. The District and Parents stipulate, that during the Summer of 2009, M. received, the following ESY services:

<p style="text-align: center;">WSSD 2009 Shining Stars Program 5 days per week 8:30 a.m. to 1:30 p.m.</p>
<p>Direct 1:1 Reading Instruction: 80 hours provided at Lindamood Bell Bryn Mawr</p>
<p>Within the Shining Stars Program:</p> <ul style="list-style-type: none"> ○ 90 minutes/week of OT (either group or push-in) ○ 90 minutes/week of PT (either group or push-in) ○ 30 minutes/week individual speech & language therapy
<p>Speech & language therapy for 30 minutes, 3 times per week, with Sue Caspari (who works primarily with children with apraxia of speech)</p>
<p>20 hours of Occupational Therapy and Physical Therapy provided at an outside provider, A Total Approach</p>

7. M. received these services pursuant to agreement of the parties reflected in the transcript attached hereto as Exhibit "2." The parties stipulate that page 8 of Exhibit 2 contains an error in transcription. Lines 1 to 3 should read: "M will receive a minimum of 45 and a maximum of 80 hours of instruction."

Dated: July 2, 2010

FOX ROTHSCHILD LLP

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